

Clearinghouse Rule 24-027

STATE OF WISCONSIN
CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF RULEMAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : CHIROPRACTIC EXAMINING
CHIROPRACTIC EXAMINING : BOARD
BOARD : ADOPTING RULES
 : (CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Chiropractic Examining Board to **repeal** Chir 3.02 (1) (d) and 3.09; and to **repeal and recreate** Chir 3.03 (2) (j) (Note) and 3.035 (1) (c) (Note), relating to cardiopulmonary resuscitation requirement.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 446.02 (3g) (b), Stats.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) (a), Stats, and 446.02 (3g) (b), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides that an examining board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.”

Section 227.11 (2) (a), Stats., provides that “[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute...”

Section 446.02 (3g) (b), Stats., provides that “the examining board shall promulgate rules establishing additional requirements for obtaining a license under par. (a)...”

Related statute or rule:

None.

Plain language analysis:

Wisconsin Administrative Code Chapter Chir 3 currently includes a requirement for CPR certification every two years. Every renewal period, licensees are required to also file

evidence with the Department that they are certified in CPR or have been granted a waiver from the Chiropractic Examining Board. The CPR requirement is not required by Wisconsin statutes; however, it has been considered beneficial to the practice of Chiropractic for many years as a licensure requirement. The Board conducted an evaluation of ch. Chir 3 and has determined to remove the requirements relating to cardiopulmonary resuscitation (CPR) in Wisconsin Administrative Code.

Summary of, and comparison with, existing or proposed federal regulation:

None.

Comparison with rules in adjacent states:

Illinois: Illinois does not require a certification in cardiopulmonary resuscitation as a requirement for licensure and renewal of Illinois chiropractic licenses.

Iowa: Iowa does not require a certification in cardiopulmonary resuscitation as a requirement for licensure and renewal of Iowa chiropractic licenses.

Michigan: Michigan does not require a certification in cardiopulmonary resuscitation as a requirement for licensure and renewal of Michigan chiropractic licenses.

Minnesota: Minnesota does not require a certification in cardiopulmonary resuscitation as a requirement for licensure and renewal of Minnesota chiropractic licenses.

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing the provisions of ch. Chir 3 to ensure the rules are consistent with current professional and academic practices and applicable Wisconsin statutes. No additional factual data or analytical methodologies were used to develop the proposed rules.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The proposed rules were posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Jennifer.Garrett@wisconsin.gov, or by calling (608) 266-2112.

Agency contact person:

Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before June 27, 2024, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Chir 3.02 (1) (d) is repealed.

SECTION 2. Chir 3.03 (2) (j) (Note) is repealed and recreated to read:

~~**Note:** Applications are available upon request from the Department of Safety and Professional Services, 1400 East Washington Avenue, P. O. Box 8935, Madison, Wisconsin 53708. **Note:** Instructions can be found on the department of safety and professional services' website at <http://dsps.wi.gov>.~~

SECTION 3. Chir 3.035 (1) (c) (Note) is repealed and recreated to read:

~~**Note:** Applications are available upon request from the Department of Safety and Professional Services, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708. **Note:** Instructions for applications can be found on the department of safety and professional services' website at <http://dsps.wi.gov>.~~

SECTION 4. Chir 3.09 is repealed.

SECTION 5. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)
